

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JERRY C. BROWN

PLAINTIFF

V.

NO. 1:04CV100-D-B

**JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

O R D E R

UPON FURTHER REVIEW of the file and record of this case, the Court finds in response to the Show Cause Order dated December 6, 2006 [doc. 16], counsel for plaintiff, Mark T. Segars, has submitted proof in support of his motion for approval of attorney fees [doc. 14].

Counsel seeks authorization of attorney fees for representation of plaintiff pursuant to 42 U.S.C. § 406(b). Additionally, counsel seeks fees for representation of plaintiff both at the administrative level and before this Court. Because counsel has failed to address the Commissioner's argument that this Court is without authority to award fees for services provided at the administrative level, the Court finds it may only award fees for services rendered by counsel before this Court. *See Brown v. Sullivan*, 917 F.2d 189, 191 (5th Cir. 1990).

Plaintiff was awarded past-due benefits after a favorable determination of this Court on appeal, reversing and remanding this case for payment of benefits under sentence four of section 405(g) on June 15, 2005. A total of \$6,150.00 was withheld from plaintiff's past-due benefits for payment of attorney fees pending authorization of this Court. Counsel's Itemization of Fees in support of his motion shows only 10.55 hours of federal court time at the rate of \$125.00. As

such, plaintiff's counsel is seeking a total allowance of \$1,318.75 for services rendered before this Court. And, the Court is of the opinion that the requested amount is reasonable and that plaintiff's counsel has satisfied the burden placed upon him by *Gisbrecht v. Barnhart*, 122 S. Ct. 1817 (2002). Therefore, it is

ORDERED:

That the Motion [doc. 14] of Mark T. Segars for approval of attorney fees is hereby **GRANTED in part**, and counsel is hereby, allowed a total of \$1,318.75 to be paid to said attorney by the Commissioner out of past due benefits owing to Plaintiff pursuant to 42 U.S.C. §406(b)(1).

THIS, the 18th day of January, 2007.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE